

Notice of Allowability

Application No.

09/972,203

Examiner

Sanza L. McClendon

Applicant(s)

BISHOP ET AL.

Art Unit

1711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/28/06.
2. ☒ The allowed claim(s) is/are 2-5, 7-22, 24-35, 37-60 and 62.
3. ☒ The drawings filed on 09 October 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>12/20/06</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Response to Amendment

1. In response to the Amendment received on December 28, 2006 the examiner has carefully considered the amendments. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

2. The Declaration under 37 CFR 1.132 filed April 13, 2006 in combination with the remarks, mailroom date of December 28, 2006, where confirms that the method of curing and testing were the same for all examples is sufficient. In addition, after the interview dated December 20, 2006 with applicant and inventor Timothy Bishop the examiner deems that claims the declaration is consummate in scope with the claims because claims 16 and 17 because the photoinitiators in the Declaration have the properties as outlined in claim 33 from which 16 and 17 depend. Thus the Declaration is sufficient to overcome the rejection of claims 2-4, 7-20, 30-35, 36-58 and 60-62 based upon Snowwhite et al (6,136,880), Yamazaki et al (6,057,034) and Moschovis et al (4,782,129).

Response to Arguments

1. Applicant's arguments, see Response, filed October 26, 2005, with respect to claims 2-4, 7-20, 30-35, 36-58 and 60-62 have been fully considered and are persuasive. The rejection of claims 2-4, 7-20, 30-35, 36-58 and 60-62 under 35 USC 103(a) as being unpatentable over Yamazaki et al (6,057,034), Moschovis et al (4,782,129) and Snowwhite et al (6,136,880) has been withdrawn. Regarding applicant's arguments and interview statements, the examiner deems that the limitation "cures faster" as seen in claims 16 is clear and acceptable language--see remarks, figure 2, and Declaration. It is deemed that while the cited references teach similar radiation curable compositions, none of the references teach, alone or in combination, compositions have at least three photoinitiators, wherein the selection from said photoinitiators comprises selecting at least one that has an absorption spectrum acetonitrile having a difference between two absorption maxima in the range of 240 and 360 nm of at least 15 nm and the other at least two photoinitiators are chosen such that the difference between the absorption spectrum maximum (PI 1 and PI2) both taken in acetonitrile in the range from 280 and 320nm is at least about 5 nm, wherein PI is photoinitiator.

Allowable Subject Matter

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2. Claims 2-5, 7-22, 24-60 and 62 are allowed.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Please cancel claim 41. It is a duplicate of claim 16.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanza L. McClendon whose telephone number is (571) 272-1074. The examiner can normally be reached on Monday through Friday 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on (571) 272-1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sanza L. McClendon
Examiner

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